

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Digital Audio Broadcasting Systems |) | |
| And Their Impact On the Terrestrial Radio |) | MM Docket No. 99-325 |
| Broadcast Service |) | |

**Reply Comments of iBiquity Digital Corporation
Concerning Nighttime AM IBOC Service**

iBiquity Digital Corporation by its attorneys, hereby submits these reply comments concerning the Media Bureau's proposal to authorize nighttime AM IBOC broadcasts.¹ IBOC represents a significant means of revitalizing AM broadcasting through vastly improved audio quality, improved reception and the introduction of auxiliary services. The promise of AM IBOC, however, cannot be fulfilled if digital broadcasts are limited to daytime service. As is explained in greater detail below, iBiquity supports those comments that have encouraged the Commission to immediately authorize the commencement of nighttime AM IBOC broadcasts in order to allow AM radio to have a digital future.

A. The Bureau Should Authorize Nighttime AM IBOC Broadcasts

iBiquity strongly encourages the Bureau to expeditiously authorize AM stations to commence nighttime digital broadcasts. iBiquity believes the record in this proceeding demonstrates that AM broadcasters are dedicated to using AM stations as a viable source of news, entertainment and communications. AM broadcasters recognize that IBOC is the best chance of enhancing AM's ability to compete in a digital world. At the same time, iBiquity and

¹ *Comment Sought on Use of Digital AM Transmissions During Nighttime Hours*, Public Notice, DA 04-1007, MM Docket No. 99-325 (rel. April 14, 2004).

AM broadcasters recognize IBOC has the potential to cause limited interference in certain circumstances. This tradeoff, however, is necessary to provide the AM service with a digital future.

iBiquity believes Crawford Broadcasting Company's comments best summarize the decision confronting the Commission and AM broadcasters.² Crawford notes that its AM stations may face increased interference from adjacent channel AM IBOC broadcasts. However, Crawford notes:

We recognize that if AM is to remain a viable medium, we must take steps to bring its fidelity to a degree of parity with other broadcast media. We believe that IBOC is the shortest and best route to that end.³

A long list of broadcasters who collectively own hundreds of stations has endorsed nighttime AM IBOC broadcasts.⁴ The broadcasters recognize that the benefit of AM IBOC is its greatly enhanced audio quality. Among many benefits, improved audio quality will enable AM broadcasters to offer new formats.⁵ New formats, such as classical music, cannot survive on AM if they are limited to daytime hours. Therefore iBiquity urges the Bureau to authorize nighttime digital broadcasts to afford AM broadcasters the opportunity to reinvigorate AM broadcasting and to reintroduce formats that have been largely abandoned for AM for many years.

B. There Are No Credible Alternatives to AM IBOC

iBiquity rejects the suggestion of several commenters that the Commission should consider alternatives to IBOC such as the systems proposed by Leonard Kahn and Digital Radio

² Comments of Crawford Broadcasting Company dated May 10, 2004.

³ *Id.* at 1.

⁴ *See e.g.* Comments of Entercomm Communications Corp. dated July 16, 2004 at 6-7. Entercomm owns 37 AM stations.

⁵ Comments of Classical 1360, LLC at 1-2.

Mondiale (“DRM”).⁶ These suggestions ignore the Commission’s explicit announcement that it has selected IBOC as the digital future for both AM and FM broadcasting and that the Commission will not give additional consideration to other technologies.⁷ If the Commission were to re-evaluate its IBOC decision every time a new system proposal is made, industry would never have the surety necessary to launch an IBOC product. HD Radio has been designed, thoroughly tested and is now ready for the market.

With regard to the Kahn proposal, it cannot be taken seriously since there is no working model of the “CAM-D” system, it has never been demonstrated or tested, and its viability has not been established. Mr. Kahn’s vague statements of multiple audio channels provided by the “CAM-D” system and no interference are wonderful claims, but they cannot serve as a basis for Commission action.

Similarly, passing claims about use of technology developed by DRM cannot be used as a basis for any decision in this proceeding. The DRM system was developed to provide a digital upgrade for shortwave broadcasting. Although it is designed for operation in the medium wave band as well as at shortwave, the DRM system has not been demonstrated to operate compatibly with analog broadcasts in the AM band in the United States. General statements about DRM cannot be compared with the exhaustive testing and analysis completed for the iBiquity AM IBOC system as well as the successful commercial rollout of IBOC during the past year.

iBiquity urges the Bureau to set aside the suggestions that the Commission consider these nonexistent alternatives and focus on fostering the commercial rollout of IBOC by authorizing nighttime digital broadcasts.

⁶ See Comments of Leonard Kahn dated June 14, 2004.

⁷ Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Broadcast Service, 17 FCC Rcd 19900, 20006 (2002).

C. AM IBOC Will Not Cause Widespread Interference

iBiquity rejects the claims that AM IBOC will cause widespread interference if the Bureau authorizes nighttime broadcasting. As iBiquity noted in its comments, and the National Association of Broadcasters reported to the Commission, comprehensive studies and field testing demonstrated the potential for IBOC interference is primarily limited to areas with marginal analog quality outside core coverage areas.

iBiquity suggests that the Bureau should be guided by the positive experiences of many broadcasters that have adopted AM IBOC. Greater Media has noted it has not encountered serious interference.⁸ Buckley Broadcasting Corporation, one of the few stations that has experimented with nighttime AM broadcasts, has been extremely satisfied with its experience.⁹

Several of the reports of AM interference have been overblown. For example, in one analysis presented in the comments, David Hershberger emphasizes concerns about interference from IBOC operations on KXNT in Las Vegas, Nevada. Mr. Hershberger's comments deemphasize the fact that he is concerned about receiving the signal in an area of extremely low analog signal level.¹⁰ It also is important to note Mr. Hershberger chose to use a receiver with 16 kHz IF bandwidth.¹¹ Only specialized devices, representing a small minority of the receivers sold each year, have this bandwidth. Typical AM receivers use 3.5 kHz IF bandwidth and would be much less likely to experience the interference Mr. Hershberger encountered. Certainly, this limited example in very specific circumstances should not be used to halt the development of HD Radio technology which has the ability to transform AM radio.

⁸ Comments of Greater Media, Inc. dated June 16, 2004 at 10.

⁹ See Letter from Thomas R. Ray III to Marlene H. Dortch dated May 19, 2004.

¹⁰ Comments of David L. Hershberger at 1 ("the nighttime ERP in my direction is theoretically 413 watts").

¹¹ *Id.* At 3.

iBiquity also encourages the Bureau to avoid consideration of claims of IBOC interference to skywave service. Although IBOC will not eliminate analog skywave service, iBiquity's studies have confirmed IBOC will reduce the availability of analog skywave broadcasts. However, iBiquity encourages the Bureau to reject calls to allow secondary skywave service to stand in the way of a digital future for AM radio.

D. iBiquity Does Not Support Prior Notification Procedures for AM IBOC Nighttime Broadcasts

iBiquity encourages the Bureau to decline to adopt the proposal to require prior notifications of nighttime AM IBOC broadcasts.¹² iBiquity believes the prior notification procedure is impractical and not necessary. The notification process could result in a significant burden as stations attempt to quantify all areas of potential interference. It would be difficult for stations to accurately make a determination of where potential interference may occur in the absence of an operating IBOC system.

iBiquity also believes the notification process would result in all recipients of the notice objecting in order to protect their rights. A prior notification process, as proposed in the comments, would lead to hypothetical complaints which would merely be referred to the Commission for resolution. However, in the absence of real world data, these concerns will be difficult for the Commission to resolve. In this environment, the notification process quickly would impair the rollout of AM IBOC service.

iBiquity remains confident that the rules for daytime AM service, when combined with the Commission's existing complaint procedures, will more than adequately address interference that may arise from nighttime IBOC broadcasts. Broadcasters should be encouraged to work together to resolve interference and should be granted flexibility to reduce digital power to

¹² Comments of Clear Channel Communications, Inc. dated June 16, 2004 at 7.

mitigate interference that may arise. The Commission maintains authority to address unresolved instances of interference without the need for the regulatory burdens associated with a prior notification procedure.

E. Conclusion

For the foregoing reasons, iBiquity encourages the Bureau to expeditiously authorize the commencement of nighttime AM IBOC broadcasts.

Respectfully submitted,

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